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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,661	02/28/2002	Jose J. Garcia-Luna-Aceves	28212/100S061-US1/NC30319	7896
38879	7590	02/27/2006		
DARBY & DARBY P.C. P.O. BOX 5257 NEW YORK, NY 10150-6257			EXAMINER GREY, CHRISTOPHER P	
			ART UNIT 2667	PAPER NUMBER

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/087,661	<b>Applicant(s)</b> GARCIA-LUNA-ACEVES, JOSE J.	
	<b>Examiner</b> Christopher P. Grey	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-17 is/are allowed.
- 6) ☐ Claim(s) 18, 19 and 21 is/are rejected.
- 7) ☒ Claim(s) 20 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/28/02 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) The invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1. Claims 18, 19 and 21 are rejected under 35 U.S.C. 102 (a) as being anticipated by Elliott (US 6456599)

Claim 18 Elliott discloses a new node being introduced into a network (Col 4 lines 49-64).

Elliott discloses when a new node enters the network, sending a beacon message, where in order to send the beacon message a predetermined time is first allowed to elapse before transmission (Col 4 lines 33-64 and see Fig 11). Information is received and stored in a potential node list (Col 9 lines 27-43).

Also, Elliot discloses a node determining which potential node is to be stored into the full neighbor list after a predetermined period of time has passed after receiving a beacon message (Col 10 lines 35-44 and see fig 9).

Elliott discloses monitoring an age of a snapshot (Col 6 lines 35-63), where a network time is necessary in order to continue monitoring this value.

Claim 19 Elliott discloses updating the network nodes of a new node existing in the network (Col 4 lines 65-Col 5 line 8). Furthermore, Elliott discloses sending message to nodes within the network (element S42 in fig 9) and waiting a predetermined time before further processing (element S30 in fig 9).

Claim 21 Elliot discloses the description of a node being operational in a network (Col 8 lines 36-60), where as previously disclosed; the beacon message waits a predetermined time (Col 4 lines 33-48).

***Allowable Subject Matter***

2. Claims 1-17 are allowed.
3. Claims 20 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - (a) Bauchot (US 5970062) discloses a method and apparatus for providing wireless access to an ATM network.
  - (b) Barton (US 20020031144) discloses a method for dealing with the entry of a new node into a network, using padding.
  - (c) Tran et al. (US 5517504) discloses a method for collision avoidance using scheduling in a central access manager. The subscriber unit utilizes a waiting time period.

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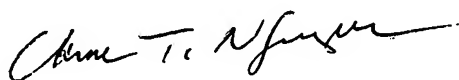
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P. Grey whose telephone number is (571) 272-3160. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher Grey  
Examiner  
Art Unit 2616

C. Grey  
2/16/06



CHAU NGUYEN  
SUPERVISORY PATENT EXAMINER  
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